

FACT WITHOUT FALLACY:

OR,

CONSTITUTIONAL PRINCIPLES

CONTRASTED WITH THE RUINOUS EFFECTS

OF

UNCONSTITUTIONAL PRACTICES.

TOGETHER WITH OTHER

ILLUSTRATIVE MATTER.

IN A LETTER FROM AN IMPARTIAL OBSERVER IN LONDON
TO HIS FRIEND IN THE COUNTRY.

DECIPIMUR SPECIE RECTI.

HOR.

L O N D O N:

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THE FACTS OF THE CASE

AND THE REASONING THEREON

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ADVERTISEMENT.

THE substance of the following Letter was originally diffused through several other letters, written in the course of the last four months. The partial approbation of a few friends has induced the Author to piece the matter together the best way he could: The indulgent reader will therefore be pleased to consider this very superficial and incorrect publication as offered to his attention on account of the important hints which it may furnish, rather than from any claim to merit on the part of the Author.

MARCH 18, 1793.

ERRATA.

- Page 7, line 4, *for* 1779, *read*, 1789.
— 12, — 6, *for* 1779, *read*, 1789.
— 13, — 12, *for* 1789, *read*, 1787.
— 40, — 14, *for* their quota, *read*, that quota.

A LETTER,

Es. Es.

MY DEAR FRIEND,

THE desire which you expressed, when we parted, "That I would communicate to you any observations that might occur to me on the subject of the present crisis," has been ever uppermost in my mind: And that I might be able to give you a comprehensive view of our political situation, I have attended debates in parliament, and at the Freemasons Tavern. I have read pamphlets. I have conversed with peers and tradesmen: And I have listened with attention to all orders of persons, that, from the diversity of opinions, I might collect materials worthy of your notice. How I have succeeded you are to judge. I know, in general terms, what are your sentiments respecting the constitution of this country; you have faith in it, according to the scriptural sense of that word:—I therefore warn you not to

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imbibe

imbibe any ill-will towards me, if it should appear to you, that the conclusions I may form, are heretical. I can no more withhold my belief from proofs founded on just premises, than you can withhold your faith from that constitution, which, though you admit a part to be corrupt, you still contend ought not in any of its parts to be impeached. We agree, however, in general principles; that the end of all good government is, that everyman should enjoy a perfect security in his liberty and in his property; and that this security should be afforded him at the least possible individual expence. Having these principles in common, I am persuaded no trifling difference of opinion, respecting subordinate circumstances, can affect our friendship.

I shall arrange my observations under three heads.

First: That of general ideas on the French revolution.

Secondly: That of the political situation of this country, as applicable to foreign countries: And,

Thirdly: That of the political concerns of Great Britain and Ireland, as they apply to our domestic situation.

The

The events in France which have excited the anxious attention of all Europe, have, in their effects, baffled the speculations of the most intelligent politicians. In the year 1779, the French monarchy was supported by public opinion, by a latent though waning affection for the monarch, in whom was the administration of the revenues; by a well-paid army; by an aristocracy equally well paid; and by the interested support of the church. That the public opinion should be totally altered; that the aristocracy should be proscribed; and that the support of the church should have become ineffectual; are events which no human foresight could have predicted. All the political strength of the French empire, at that period, seems to have been united in one common interest to oppose the total emancipation, which has taken place. The power and influence of the monarch, aided by the support of the aristocrats and churchmen, have been found too feeble to resist the sovereign will of the people, when actuated by a sense of their just rights: And from the wreck of the then constituted authorities, has arisen a republic, founded on the purest principles of free representation — a republic, in which every man's voice is heard in the election of his judges, his legislators, and his defenders; and which has already, though embarrassed by the confusion incidental to great alterations in government,

vernment, resisted the efforts, tacit and avowed, of nearly all Europe. If any analogy may be allowed to hold between natural and political objects, that form of government *must* be the most permanent which stands on the broadest basis.

Every man in a republic, having a due portion of privileges, is impelled to support that constitutional form, by the two most potent principles in human nature,—interest and pride. He is interested, and has power to defend that interest, in the form of government: And he is proud of his share in the administration of public affairs. Every other form of government necessarily depresses the larger portion of the subjects of a state below their just level.

—In my desultory way, I like to shew both sides of the picture. In our days *one* king of Prussia has existed; but, alas for Prussia! he is succeeded by *another*. The patriots of Greece and Rome were freemen: But it was reserved for us to witness two instances of national magnanimity unprecedented in history.—The constituent assembly of France voluntarily surrendered the absolute power they possessed, and disqualified themselves from becoming deputies in the succeeding assembly.

According

According to the constitution of 1791, the legislative assembly was to hold its powers during two years. When the members of that assembly were apprised of the reiterated treasons of the court; when foreign powers, leagued with the fugitive princes, filled all France with their manifestoes, that of the duke of Brunswick more especially, calling on the subjects of that empire to throw off their allegiance, on pain of military execution; threatening to bring to condign punishment the members of both assemblies; and also to put to the edge of the sword a million of persons, the inhabitants of Paris, if any violence should be offered to that king who had accepted, and was the executive instrument of, the constitution: At this period, then, the legislative assembly, trusting to the coercive support of every individual elector, took on themselves to suspend the kingly power; and though but one year of their appointed time was elapsed, they quietly returned to the rank of private citizens; and the unanimous approbation of France immediately ratified their measures.

Such instances of magnanimity mark a new epoch in the annals of mankind; and when this eventful period of history reaches posterity, they will rescue the national character of France from the odium of indiscriminating cruelty attempted to

to be affixed to it, by many persons of the present day.

At the same time I must candidly acknowledge, that the late fatal catastrophe, considered in all its circumstances, it is of a nature to rouse the indignation of all mankind: And I must beg to add a tear of commiseration to the general sorrow which prevails, respecting the fate of the unfortunate Louis: Who, from his last will, has proved that he possessed a mind, placable towards his enemies, grateful towards his friends, and benevolent towards all men: And he likewise appears to have been fully impressed with a proper sense of the duties of that station which he was born to fill, as well as of the rights and liberties of his subjects.

The king of France's inviolability differed from that of any other crowned head in Europe. (The greater evils they to cut him off.) His was *specific, not general*, as is that of all other kings. The law expressly pointed out a punishment for his personal delinquency — that of dethronement; which punishment he had actually undergone. The general principles of retributive justice, therefore, to which all men are amenable, cannot be said in any shape to palliate the injustice of that sentence under which *he* suffered.

The

The odium of the king of France's decapitation does not apply to the conduct of the Convention alone, but to that also of the whole French nation; who suffered that assembly to arrogate to themselves the exercise of juridical powers; powers which were wholly incompatible with their functions as legislators, as prosecutors, or as evidences. Not a remonstrance, that ever I heard of, was received from any one of the departments on this head. And whatever might have been the spirit of those powers originally delegated to the members of the Convention by their constituents, the French nation seems to have considered the trial and execution of Louis only as a due exertion of those powers: And as a further confirmation of this assertion (if we are to believe newspapers), addresses, approving of those measures, are daily presented at the bar of the Convention. The members of the Convention unanimously agreed that the king was guilty of the crimes laid to his charge, though they differed in opinion as to the punishment to be inflicted on him*.

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* The long parliament had sat nine years when they named the persons who condemned Charles Stuart: The deposition of Charles was not in question when the nation constituted that parliament. The deposition of Louis was one of the causes for assembling the French convention. It does not appear that the British monarchy was essentially altered by the decapitation of Charles.

I shall close this subject by remarking, that it behoves the executive members of the European states to observe that, in no one of those states, the barriers between a monarchy and a republic were apparently stronger than they were in the French monarchy, in the year 1779; that thence they may be warned not to resist the just claims of the people with venal pertinacity; lest, even in those states where the rights of the people are partially respected, some catastrophe analogous to that which has happened in France, should ultimately be the consequence. And it may not be amiss to add, that the immediately acting cause which occasioned the French revolution, was the support given by the cabinet of that country to the now American states; a measure marked with the blackest perfidy towards Great Britain, and impolitic with respect to the domestic situation of France.

A few words will convey to the mind of an intelligent reader the substance of a whole volume of animadversions on this subject, namely: *Let us refrain from interfering in what does not concern us.* It is worthy of observation, that the emancipation of the British colonies gave liberty

Charles. The French have the example of what has happened here since that period, to guide them: And it may be expected that they will form insuperable barriers in their present form of government against the future introduction of arbitrary and oppressive exactions.

to France; and considering the present posture of political affairs in their full extent, that event may likewise occasion the downfall of the British constitution.

I shall now proceed to treat of the political situation of this country as applicable to foreign countries. No man, uninitiated in the mysteries of cabinets, can determine upon what principle of interest or policy (for in national affairs those terms may be considered as synonymous) the people of England were concerned about the domestic disputes in Holland in the year 1789. Would our trade with that country have been diminished if the Dutch patriots had emancipated themselves from the yoke of a galling aristocracy? Certainly not. If the politics of nations are to be governed by the same principles which apply to the ordinary concerns of mankind, under what title could the Dutch found a claim to our attention? Did they fulfil their offensive treaty with us during the American war? No. On the contrary, they fought against us; and at the peace they met with the just reward of their ingratitude, for they were abandoned by all parties. We were not bound to guarantee the domestic quiet of Holland, and yet our fleets were prepared to coerce the Stadtholderian power. How were we concerned, whether the Dutch were governed under the purest republican forms, or under the more pernicious

pernicious influence of aristocratical tyranny? If intestine tumults should happen here, (which heaven avert!) what sort of remuneration will they render us? Have they guaranteed the domestic quiet of Great Britain? And if they have, after the recent instance of their contempt of public faith which I have just mentioned, what could guarantee the fidelity of their High Mightinesses? Nevertheless we are now embarked in a war for which one of the alleged causes is to uphold their imperious claim to an exclusive advantage of the common rights of nature. Are we then to guarantee the partial use of the elements to a faithless ally? And are the Brabanters to refrain from navigating on the Scheld, in conformity to treaties which are a disgrace to human nature, and which this country is interested in despising? Or have our ministers, refining on the French system of fraternity, forced *that* protection on the Hollanders which may in the end prove fatal to them, for some occult purpose known only to themselves? All that is publicly known respecting Dutch affairs is, that we lately expended about half a million in an armament, just to ensure the fidelity of the Stadtholder. How much it would cost us to drive the Sans Culottes out of Holland, or to pump the water off the face of that country, is what I believe would puzzle all the *Exchequerers* in Europe to determine, in the eventual necessity of those measures.

What

What were the real motives on the part of our ministry, which occasioned the armament against Spain in 1790, are not yet divulged. The alleged motives, "that the British flag had been insulted by the Spaniards on the north-west coast of America," ought by no means to have warranted the expenditure of four millions of the public money. That affair, all circumstances considered, was a subject for negotiating, rather than for arming. Mr. Mears, according to his own memorial, was under the Portuguese flag, and, though an English subject, it may still be doubted whether he had any claim whatever to the protection of Great Britain. The time was apt; and we may almost be led to believe, with the scandalous chronicle of that day, that the armament was a tool in the hands of the ministers whereby they might ensure the return of those persons to parliament in whom they could confide. Stadtholderian fidelity, by this, it should seem, is a much cheaper commodity than parliamentary confidence, inasmuch as eight Stadtholders might be bought for four millions of money.

Perhaps you will say I treat this subject with too much levity. A man must either laugh or cry at the tricks and corruptions of the age; and though I laugh, I still am sensible where the shoe pinches. An improvement might be struck out in the present political order of things. If

the lower house, like the upper, was to be made immortal, the nation would save 666,640l. annually, spent in lower house parliamentary confidence; that is, supposing future parliaments will cost the nation four millions, and that they will sit six years. I shall have occasion to speak of upper house parliamentary confidence in another place.

The mysteries respecting the late Russian armament are totally inexplicable, though it is perfectly clear it cost us about half a million. How this country could be benefited by supporting the Turks against the Russians, no man can tell: For even supposing, what is every way improbable, that the empress could have established her dominion over all Turkey, how were we concerned? Or, more strictly speaking, would not such a change have proved, in the end, advantageous to us? For it may justly be remarked, that commercial treaties between nations will be reciprocally beneficial in the proportion that the manners of such nations approximate each other. Admitting this position, would not the Russian empire, Turkey being included in it, have taken a larger portion of our commodities than Turkey at present does, inasmuch as the manners of the Russians approximate ours more nearly than those of

of the Turks? And it is to be presumed, that in time the manners of the Turks would have been assimilated to those of the Russians. I leave it to you to look back to the debates and motions in parliament concerning the three armaments in question, and thence to form your own conclusions. All I can recollect on that head is, that the relative papers were invariably refused by the majority in parliament.

As to the Russian business, I can remember much having been said about Oczakow and the Dneister; but who is in possession of that place, or who navigates on that river, are circumstances with which I am myself unacquainted. Something passed about *making a frontier* between Russia and Turkey, a strong barrier being deemed a sure safeguard against mutual encroachments. State necromancers are all of opinion, that *a desert, or a flooded country*, forms an admirable barrier. The first of these expedients every nation may have recourse to; it is only driving away the live stock (dispose of it at your pleasure), and knocking down fortifications and houses. The latter expedient, flooding, I think only applies to Holland. And by the way, as the Dutch are the best of allies, if that measure should become necessary to strengthen our continental barrier,

barrier, they would doubtless knock away their dikes, and to boat and away.

After maturely weighing the specious political reasons which were urged in defence of the three armaments I have been treating of;—as to one of them at least, the Spanish, the conclusion which comes most home to my belief is, that four millions of the public money was expended for the sole purpose of supporting the preponderance of domestic corruption. Perhaps I shall be told, that an improvement has been discovered as to the management of the balance of power; and it is now become the duty of British ministers to regulate the portion of civil liberty which is to be allotted to the subjects of the neighbouring states, and further, that it is an implied fact in the essence of every European compact, that no treaty is valid unfashioned by the *fiat* of a British minister: Or, in other words, that we are in future to superintend not only the relative political strength of the European powers, as it concerns this nation in a commercial sense, but also, that we are to watch over and guard against the due extension of civil liberty. Ere such arbitrary principles are suffered to ripen into a system, the British tax-payer should be informed what compensation he is to receive for the increased expence

pence which the application of these principles has already produced.

We have lately heard much clamour respecting the conduct of the French as to neighbouring nations; but we must be candid enough to allow that in the affair of the Scheldt they have improved from a hint furnished by us. We lately interfered in Dutch affairs to restore energy to the oppressive powers of the Stadtholder; their conduct towards their allies is, in this instance, of a very different complexion; they only seek to establish the Brabanters in the rights of nature, which should be common to all men.

I shall begin my remarks on our domestic situation at the period when the king was incapable of exercising the regal functions. The legislators of this country were at that time divided in opinion regarding the exercise and extent of those functions. On the one hand it was contended, that the prince of Wales had a direct right to assume and exercise, for the time being, the whole of those powers inherent in the crown; and, on the other hand, it was asserted, that the prince's right was simply elective, or, to speak more plainly, that any other person in the nation might, equally with the prince of Wales, become a candidate for the office of regent; that the prince of Wales,

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or any other person, could accede to that office, only in conformity to the will of what then remained of the parliament, that is to say, of the two houses. From the state of the regency bill, when our beloved sovereign was restored to us, the question seems to have been carried for the elective right; and, moreover, the two houses appear to have considered the powers vested in them as fully competent to abrogate the integrity of the regal office, and to strip that office of its auxiliaries, the waiting lords, groom of the stole, &c. as the Regency Bill annihilated the power of creating peers, and annexed the waiting lords, &c. to the kingly person, to be managed by the queen, assisted by a council. This bill passed the lower house by a great majority; but I have heard it asserted (for I am not possessed of a red book) that the majority in the upper house was formed by peers who were actually waiting lords, &c. (So much for upper house parliamentary confidence.) The ultimate *fiat* of the kingly seal was about to make law of all this, when the king recovered.

In justice to the exemplary patriotism of the prince of Wales, it is absolutely necessary to remind the nation, that he himself waved all direct claim to the regency; and he professed that he was well contented to serve the nation, on what-

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ever terms they chose to employ him; but this self-denial, on the part of his royal highness, does not mend the matter, and it may, not improbably, be drawn into a bad precedent for future times; for if the discussion of that question should again occur, it may be said, that the security with which the constitution of Great Britain is furnished by the integrity and efficiency of the regal power, was virtually annihilated in the year 1789, by the common consent of the upper and lower houses, and of the heir apparent.

I know not if there is any precedent for lopping off what have been lately considered as the exuberant privileges of the first functionary of this state; or, indeed, what were the insuperable causes which warranted such an innovation. The alleged cause will hardly be believed, "That if the prince was to be invested with the whole of the regal privileges, though only under the title of Regent, in the event of the king's recovery he could not have been forced back into his former station." This was, however, the only reason which the majority in parliament vouchsafed to give the nation for altering that constitution to which we have all sworn allegiance.

It is a little extraordinary, that as the prince offered to govern us on any terms, it did not occur to the ministers, that the nation might be

spared the enormous expence of paying waiting lords, &c. Upon general principles, the persons who form that sort of establishment, are expressly paid to uphold the integrity of the king's constitutional authority: The labourer is worthy of his hire; and whilst they are *so* employed, every man in the nation is happy to contribute his mite for their support. The probable bad effects of the innovation I have just spoken of, were, luckily for the nation, rendered abortive, by the king's reassuming the plenitude of the regal powers. But the recollection of the conduct of the leading men in the nation during that trying period, ought to make us mistrust the sincerity of that fervour of attachment to the constitution, *in its most minute* forms, which now manifests itself in a great majority in both houses of parliament. I, as an individual, candidly confess (as it is the fashion for every man to make a confession of his faith respecting the constitution) that I admire, and will to the utmost of my abilities defend, the constitution of this country; but at the same time I cannot overlook the manifold perversions which deform that sublime code. I must reprobate the inadequate form of representation of the people; I must reprobate the frauds, the corruptions, and the perjuries which are the result of that form; I must condemn the partial and impolitic abrogation of the privileges of the sectaries; I must

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pity

pity the poor man, who has no mode of redress in a civil action, when opposed to a rich man, but by sacrificing the produce of his daily labour, to obtain that justice which is indiscriminately due to all men—a very inadequate source, when the expences of modern litigation are considered. These circumstances are but as the spots on the sun, in allusion to the constitution of Great Britain. For we may boldly look on surrounding nations, and ask them, What is their boasted liberty? What security have they for their lives or property, compared with the unwearied energy of the British law? Our law *is*, indeed, worth defending; but we are not prepared to say as much of the heterogeneous mass of decrees hitherto passed by the French assemblies, technically termed *La Loi*.

It is not to the constitution, in the sense many men are now labouring to make us believe, to which we owe a sufficient surety for our liberties and lives; it is to the trial by jury alone, to which we owe the blessings of domestic order.

If it be contended, that the constitution, in the sense those men speak of it, yields us sufficient protection, what was it that protected us during the king's illness? What would have protected our lives and our liberties, if the regency bill had passed into law?

Let us then despise the opinions of all those who make *paltry* distinctions: We are now too enlightened to be duped by shallow artifices; we know that the right of trial by jury principally generated our liberties; and that the respect for the law of the land, cherished by all mankind, preserves due subordination. While we preserve that right uncontaminated, and whilst the laws act with their usual energy, we may bid defiance to the arbitrary efforts of venal and interested persons.

Whatever faith you may have in the tripartite form of our constitution (and I am not much behind-hand with you in that belief, as I shall shew), I cannot but remark, that the respect all men paid to the law, independently of the coercion of any other constituted form during the commonwealth, enforced a due attention to the liberty, lives, and property of individuals.

We Englishmen are loyal to our constitution, loyal to our king, whose manly and domestic virtues we revere; but, above all, we are loyal to the law.

The constitution of this country is indisputably well adapted to the manners and opulence of the times. A full and free representation of the people; a kingly office exercised conformably to law,

law, and possessing resources wherewith to reward the virtue or the industry of individuals; a barrier of hereditary counsellors in the lords, to preserve the integrity of the kingly office, and to administer impartial justice in the dernier resort—a constitution so formed may be termed a republican monarchy, adapted to the manners and passions of a trading and an opulent nation.

I must warn you not to ascribe to me any dereliction from the general principles I assumed, respecting the French republic: I contend, that the constitution of this country, according to the spirit of its tenor, is perfectly conformable to those principles.

I shall now say a few words respecting the declaratory act on the law of libel: It appears, indeed, rather absurd that a doubt even should have obtained, whether juries had the right to find general verdicts, as to libellous matter, when they indisputably possess the power of deciding what are the intentions of persons arraigned for murder: They had power to search, as it were, into men's hearts, to ascertain the motives which occasioned homicides, at a time when it was doubted whether they could determine on the seditious tendency of a literary work, although the text was actually before them. If the opinion of the judges

judges had been allowed to operate against the right to return general verdicts (and to the best of my comprehension, *that* seems to have been the spirit of their opinion), the right of trial by jury on this head, or, what is the same thing, the efficacy of that right, would have been lost. Every attempt to encroach on the privileges of juries cannot be too strictly guarded against; and that it should be necessary for a question, similar to that I have been treating of, to come before a British parliament, is a disgrace to the age we live in. Abrogate the liberty of the press, and we shall *then* be truly without a constitution.

If we were to be restricted from animadverting with due firmness on public men and on public measures, we should soon become the slaves of every species of oppression; and the most sublime form of government man ever yet framed would no longer be able to shelter us from the ruinous effects of the dissipation of the nobles, or from the exactions of our own representatives. Fearless of public reprehension, these two orders of persons would unite in one common cause; the pension list would be swelled to an enormous magnitude; the excise would extend its baneful influence to the very necessities of life; and the hard-earned wages of labour would be taxed, to support the accumulated corruption

ruption of the times. But, thanks to the latent energy of the British character, to be jealous of our rights, is to be secure.

The mode of trial by special jury calls for some animadversions. There is something vastly obnoxious to equity in the idea of hiring a jury; and, in fact, the practice of employing special juries is a direct infraction on the spirit of the law. Every Englishman ought to be tried by his peers: The English law recognizes only two orders of persons—peers and commoners. It has not yet been asserted, that, in the eye of the law, there are in this realm various descriptions of commoners. The law is *silent* on this head; but the courts of law *speak* too plainly. They tell us, that there *are* men termed merchants or esquires, who are well contented *to receive a stipend from a* plaintiff for their presence as jurymen, at a time when it *may* happen that a defendant *would, if he had the means,* pay such merchants or esquires for their absence. Special jurymen are *not* taken from the promiscuous mass of commoners, but they *are* taken from commoners of a specific designation. Let merchants and esquires try issues between men of their own description. Such juries *may then* be feed and fed by both parties. The enlightened verdicts they may give, may be well worth a guinea and a dinner. But a man who is *not* described Merchant or Esquire, and who

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cannot afford to pay for an enlightened verdict, cannot be said, if tried by a special jury, to be tried by his peers.

When, next, our legislature is employed in telling us what is the law, which they did in the instance of the law of libel, it were well if they would tell us, what is the fact, according to the spirit of our constitution—That no man *ought* to be convicted of having perpetrated any offence but by the verdict of those men who, in the most direct sense, are actually his peers.

Why is a schism to be admitted in the characteristics of a commoner, which is not admitted in those of a peer? Bishops are partially peers, but in judicial concerns, the law deems them to be commoners, because they are not the *peers*, in the full extent of that term, of those who exercise the constitutional powers inherent in the house of lords.

There is no constitutional distinction in the eye of the law, between a commoner described Merchant, or Esquire, and one described simply by his name: Nevertheless a form of trial has in a manner taken root amongst us, which militates against the *leading principle* of our first and dearest privilege, that of trial by our peers.

If

If the ideas which I have now superficially touched upon, respecting special juries, should lead some able man to discuss the subject fully, I am persuaded we should all unite in addressing the legislature, that a law might be passed to *equalize* the juridical powers of *all* commoners. And should my humble efforts have proved instrumental to that end, I shall in future rank my public services far above those of any popular statesman or sign-post general.

Lest it should be thought that I have spoken slightly of the act lately passed on the law of libel, I must here tender the tribute of my heart-felt gratitude to the firm and glorious patriot who has obtained *that* security for the due exercise of free discussion amongst us, which the arbitrary and encroaching spirit of our modern sophisters had rendered doubtful.

I shall next offer a few remarks on the nature and effects of proclamations. Those which are issued simply under the powers of the prerogative royal are very well understood. But in what light are proclamations sanctioned by parliament to be considered? Is it to be the future doctrine that they are to stand *pro legibus*? Placemen and churchmen do their duty by deputy. Have we at last hit upon a form of making supplemental, or, allow the term, deputy laws? This is indeed

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a country

a country for law making. We have game laws, and tythe laws, excise laws, and tax laws, in the greatest abundance; with a list of penal laws, and laws proscriptive, much too tedious to enumerate. But, above all, we have lately adopted the practice of making laws declaratory and explanatory; declaring and explaining, not only *what the unwritten law is*, which had become absolutely necessary in the instance respecting libel; but also what was intended to have been meant *by the letter of statute laws* lately made. One example will suffice: In 1792 a law passed declaring all *illegal* acts performed by the governor general of India, in violation of the law constituting the government-general and supreme council, to be *legal*.

But to return to the subject of deputy laws; they are, I presume, of the declaratory genus, but with this essential difference, that the powers inherent in them are intended to operate respecting the present and the future time, rather than as to what concerns the time past. They speak of the past, it is true; but they do not tell us that any acts are *now* illegal, which were *heretofore* legal. They are in truth liable to a very invidious construction, for they seem to point out to juries *what* is the opinion of the three branches of the legislature, regarding the information filed, or about to be filed, by the king's attorney general.

Some

Some time ago the legality of publishing any opinions respecting Mr. Hastings's trial was discussed by the ablest men in the nation. And it appeared to be generally agreed, that publishing any opinions whatever, pending a trial, was a direct violation of the spirit of our law. Does not this conclusion apply in its full force to the probable effects of proclamations? I am impressed with the profoundest reverence for the constituted authorities, and I do not feel that I am swerving from that reverence, when I ask the public at large, if they think there is, upon constitutional principles, any essential difference in the publication of an opinion pending a trial, on the part of an individual, or on that of the king, lords, and commons; who, according to the spirit of their aggregate character, are the makers, *not* the executors, of the laws.

The practice of sanctioning proclamations involves a clashing of characteristical principles, unwarranted by the true spirit of the constitution, which defines the legislative and the executive branches to be perfectly distinct; and when the legislative assemblies are called upon by the executive power to sanction the application of the prerogatives of that power, through the medium of any other form but that of an act of parliament, if they comply, they may be truly said to exercise, at one and the same time,

powers which have ever been held to be incompatible with each other. The prerogative of proclaiming essentially belongs to the crown, but if a proclamation passes both houses of parliament, either it is expected to imbibe something of a legislative faculty, or *that* formality is useless. It is still not a law. What is it then? Why, figuratively speaking, it may be considered as a sort of chapel of ease to common and statute law, conciliating the minds of jurymen to convenient verdicts, and obviating the trouble of rejoinders on the part of the attorney general. Such is the outward complexion of a deputy law. But it becomes a question, whether the two houses of parliament considered it as essential to the force of a late proclamation to sanction it; for if they did, in point of consistency, they are bound to follow up that proclamation by a bill, declaring all *illegal* prejudices imbibed on that head to be *legal*; and which, it cannot be doubted, would immediately receive the royal assent. In the days of the Yorks and Lancasters it was the constant occupation of parliament to enregister the bloody edicts of those tyrants. These are milder times. Thank God there are now no bloody edicts to enregister. But he who reflects maturely on the actual state of parliamentary confidence, may be led to conclude, that both houses of parliament *still* exercise the functions of a court of records, rather than those of jealous guardians, expressly delegated

delegated to defend *not only* the prerogatives of the crown, *but also* to watch over the rights and privileges of the people.

Under what genus to class the laws respecting ministerial responsibility is altogether puzzling. The law of impeachment, exercised by the high court of parliament, is said to be adapted to that purpose. This law is of a mixed nature, and derives its coercive powers from the law of parliament. It grows out of the spirit of the equity of things, and is practically guided by a reference to precedents. In all cases of impeachment the legislative and the executive powers are exercised at one and the same time by both houses; each house, parliamentarily speaking, being competent to make laws concerning its own individual rights and privileges.

No analogy will hold between the powers of the high court of parliament, and those of any other British court. They are indeed transcendent; and, all circumstances considered, it may be questioned, whether a decision framed by that court does not partake *more* of the nature of a *decree* than that of a *verdict* proceeding out of a British court of law.

A doubt respecting the possible efficacy of impeachments, in any case, has lately been established

blished by a resolution of the house of commons, and by which that house has left the 'public security even in a worse state than they found it. The question, "that an impeachment does *not* "abate by the dissolution of parliament," being before the house, an affirmative resolution could only do mischief; nothing short of an act of parliament *could* put that matter out of future doubt. For admitting, what is every way improbable, according to the present practices, that a minister should be guilty of any delinquency, for which parliament was not accountable, and in consequence impeached by all the commons, that resolution standing upon record would prove, that what was the law of impeachment, was doubted in the year 1790. The same ground would be beat over again, and an impeachment would outlive, or die with, the parliament, as influence might direct.

If we are to speak in general terms of ministerial responsibility in this country, it would in truth be easier to say, where *it is not*, than where *it is*. It is not in the kingly office; that, as we all know, accounts for nothing: It is not in ministers, whose safety is guarded by a majority in parliament: It is not in parliament, which cannot be impeached. Now and then, indeed, persons have been found, who have suffered the penalties annexed to responsibility; an admiral Byng, for example,

ample, but he was only a deputy. The nation at large suffered a grievous amercement, on the score of responsibility, for the American war, and the British merchants in particular, who were many of them totally ruined, whilst the loyal Americans, who had nothing to do with responsibility, were many of them enriched. In the Russian affair, no deputy could be found to take the burden of responsibility off the shoulders of administration: The nation at large, and the merchants, said, we will have none of it; the majority in parliament rejected it, and the ministers dreaded it; so that we got off for half a million's worth of drumming and pressing.

Thus have I shewn, that though the constitution of this country is, in its essence, sufficiently perfect, and that the laws respecting domestic order act at all times with due energy, yet that the *forms* applicable to ministerial responsibility, a matter of the utmost import to the security of individual property, must be taken for the *reality*: And it shall be my next object to shew how it has come to pass that *mere form* has become any agent of such potency.

Form, indeed, according to our modern pact, seems to be the governing spirit—*Form* of responsibility, *Form* of representation. Here then we make our stand. The representation of the people is radically defective. The house of commons

mons does *not* represent a sixth of the nation* (not to mention the *unconstitutional* influence exercised in that house by many persons, some of whom are peers, who *command* returns in right of burgage tenures); instead of representing *fully, freely, and bona fide*, all the commons of Great Britain, which indisputably is the spirit of that institution. And that a full and free representation of the people is likewise in the letter of our constitution, appears to be the opinion of our actual representatives. For in the instance of Mr. Hastings's impeachment, do they not formally term themselves "Managers for the commons of *all* England?"

The vicious effects of adhering to a form of representation perfectly incompatible with the true principles of the constitution, are severely felt by the bulk of mankind. To this cause do we attribute the total want of any effectual controul, regarding the conduct of our ministers. To this cause, and to this cause alone, may we fairly ascribe the boundless prodigality and the perpetually growing expences of the British state.

* It is not easy to define what proportion of the inhabitants of this country are represented, nor is it material, unless they were *fully and freely* represented. Those who wish to investigate this matter, may have recourse to the report upon the state of the representation by the committee of the Society, the Friends of the People, associated for the purpose of obtaining a parliamentary reform.

In the course of the last fourteen years the national debt has been more than doubled. According to this ratio, as you and I are neither of us thirty years old, we may live to see the public contributions once more doubled. In the mean time we may console ourselves by reflecting, that the defect which has occasioned this rapid increase of our public burdens, is not in the *substance* of the constitution, but in the *forms* relative to the structure of that constituent part, the house of commons, which alone is capable of defending our liberty and our property from the encroachments of despotism on the one hand, and from the venal exactions of ministers on the other. If that house *was in reality*, what it now *only is in form*, a full and free representation of all the commons; and that the representatives were restricted *in reality*, instead of *in form only*, from all undue practices (which circumstances are both in the spirit and in the letter of their character); ministers would not find them quite so prone to shoulder off their responsibility. Every minister would then not only *be* accountable, but he would actually account to the public, *in his own person*, for the oppressive or ruinous measures which he himself had advised; and the public money could not then be dissipated under the sanction of *mere forms*, for purposes far removed

from the spirit or the letter of the law of this country.

The paltry distinction of form is thus allowed to vitiate the radical principles of our constitution, and of our law. In the house of commons we meet with the *hereditary* representatives of the elective rights of Old Sarum. In Westminster-Hall we are called upon to plead before a jury of *non-descript* commoners.

What I have now said, may, perhaps, by a forced construction, subject me to the imputation of being an innovator. I must therefore tell you, in the most unqualified terms, that I am no republican. Levellers, I myself believe, exist only in the imaginations of *formists*, allow me the expression; but I must freely acknowledge, that it is the substance and not the shadow of a thing, which I admire; the *reality*, and not the *form*; and it is surely worthy of the most serious consideration, that, though we are living under the best species of government, yet, from the perversion of our constitutional forms, our public expences are annually increasing, and it does not appear any man is personally accountable to us for that increase. Do not let us, like the dog in the fable, with the constitution in our mouths, by biting at the shadow, lose the substance.

This nation is now at war with France, and consequently the period for effectual investigation as to the policy or impolicy of that measure is past. We all know who has the prerogative of declaring war in this country, and we also know *but too well*, who has the privilege of paying the expences incidental to war; but it may still be worth while to advert to what is the general opinion regarding this war, to inquire whence that opinion has been imbibed, and whether it results from a spontaneous conviction of the equity of the measure on the part of a majority of the nation, or whether it is a factitious opinion, foisted, as it were, on those who cannot, or who do not reason, by those who have some sinister end in supporting every measure of any minister.

That a war with France is, at present a popular measure, I readily admit. It is *not* the consummate craft, aided by the declamatory eloquence of our premier, which has made it popular. *Nor is it* the evasive eloquence of our Northern orator, or the frantic ravings of him whose mind can reconcile impossible contrarieties, who plucks foul corruption from the vasty treasury, and calls it virtue. But the popularity of the present war is, in my opinion, *ascribable* to the unconstitutional influence of that man who is entrusted with the immediate superintendence of the *privy ways*, acting through the means of the most tremendous engine of corruption this or any other nation ever

saw; a sort of *special* inquisitorial grand-jury, made up of placemen, pensioners, merchants, and esquires, who originally assembled from the avowed excuse of supporting the constitution against the innovations of republicans nowhere to be found in the country, unless those who are strenuous supporters of the reality of the constitution, preferably to the appendages of mere form, are to be so termed.

As this junta has kindly undertaken to enlighten our minds on constitutional points, and to impress us with a proper degree of horror regarding French practices, it were well if they would pay their quota of taxes, which will consequently fall to our lot, from having blindly adopted their opinions, and which adoption has enabled ministers to call this a popular war.

It may be proper here just to touch upon the unanimity prevailing in parliament on this head. The hue and cry, which for some time past has obtained regarding the representation of the people, and the venality of the representatives, has led all those members of parliament who have a kind of property right in their seats, to unite in supporting that, or indeed any other measure, which, for the present, might divert the public attention from those topics. But to return to our special gentry.

Those

Those who are so prone to exaggerate the horrors which have been lately perpetrated in France, who have spoken daggers, and ransacked the regions of fancy for images to inflame the public mind, should be warned, that an exact similarity of manners obtains between the inhabitants of that country and those of this; they ought rather to weep over the depravity of human nature, when deprived of its accustomed checks, than exult in *that* depravity which equally disgraces all mankind. We too have had our massacres—we too have had our sacrilegious decapitations, one indeed more atrociously wicked than that which we all now deprecate. The queen of Scots was doomed to death by her own near relation, under no colourable pretext of *even* political expediency. This was the act of our patriot queen Elizabeth, whose good days are still proverbial in English mouths.

But these, we are told, are more enlightened days. Man, alas! in savage or in social life, is still the same selfish, restless, sanguinary being; in savage life, his wants are fewer, and his power of doing mischief more contracted; in social life his wants are insatiable, and his means of devastation boundless. A very slender vocabulary enables the savage to transact the business of life. Voluminous dictionaries enable the socialist to misinterpret the transactions of his neighbour.

France

France and England are so nearly on the same footing in point of manners and of general civilization, that a difference is scarce perceptible. The French have their charitable institutions; and even now, amidst revolutions and wars, *they* continue to protect the arts. We, too, have our public charities, and our F. R. S. and R. A. France abounds with academies, wherein the higher order of persons are taught to murder each other. England abounds with schools where all orders of persons, princes, peers, and butchers, promiscuously meet to learn the noble art of boxing. Let us follow these modern gladiators into the field. Two adepts, accompanied by seconds, bottle-holders, &c. strip themselves, and beat each other, until one of them *has had enough*; and, when they do not *play booty*, it frequently happens that one of the parties gets *a little too much*; for within these few years several men have let themselves out to be murdered, in this way, for the emolument or dismay of *the knowing ones*.

We are told that the French are Deists. They have an established Christian church, and so have we. I know not what is the discipline of their church, but we all know that ours admits of sees without resident bishops, and parishes with non-resident incumbents, who have a *freehold life-rent* in

in the profits of that ghostly labour which they do *not* perform. That many men should be Deists can be no matter of surprise; for Deism is a kind of tangible religion, impressed on our senses through all the works of nature: We see it in the light of heaven: We feel it in the gentle zephyr and in the impetuous storm: We hear it in the murmuring rill and roaring surge. Christianity is more immediately of a metaphysical nature, and it requires the utmost stretch of mental refinement to embrace the sacred mysteries of that religion, whilst the unquestionable existence of a First Cause is obvious to the most unenlightened mind.

I have been led into the foregoing reflections, by no means with a view to palliate the crimes which have lately been committed in France, or to apologize for irreligion. Much less do I seek to extenuate the guilt of France by an invidious contrast. I merely seek to shew, that when we descant with unwarrantable asperity on the depravity, not of France alone, but of all mankind, whether in a social or a savage state, in point of truth, and of Christian charity, some degree of political commiseration ought to actuate our feelings.

Christian charity is, however, not amongst the canons of our *special* inquisitors. They certainly would

would not like to be treated as they treat others : Their words and their actions are at variance ; for, whilst they tell us we are freemen, they *treat us* like slaves. They have set up a kind of mint for re-coining obsolete and arbitrary opinions, which are forced upon our belief by sophistical arguments ; and practically *enforced* by combinations of men acting on principles totally subversive of that parity of privileges which is the inherent birthright of every Englishman.

From the vicious influence which these men possess, it is become scarce safe to hazard any remark on public men, or on public measures ; and, for aught I know, it may be deemed seditious to tell the public that, though the Exchequer overflows, there are nevertheless ten millions of floating debt in the nation.

Much is said about the equality of our laws. This is true as to criminal matters. But there is a class of laws which I believe it will be found, in some sense, operate in favour of the rich to the impoverishment of the poor. I mean tax laws. I shall state my opinion on this very intricate subject in the concise way possible.

All men in this country pay taxes in a proportion relative to their real property, and to the articles which they consume. There is, however,
a very

a very essential difference as to the ultimate effect of the operation of any additional tax on affluent or on labouring persons. Men in affluent circumstances scarce feel the weight of an additional tax. But labouring persons, who *only* just earn enough to keep their families, are driven to the poor-house by the opening of a budget; and the gains of those persons who are *just* thriving are wrested from them to pay the consequent increase in the poor's rate; and they, in their turn, are driven to the poor-house by the next new tax. The public purse affords no alleviation for the sufferings of labouring persons; and they may be said literally to work for the state; for when the accumulated weight of the taxes has driven any of them into the poor-house, it is not the produce of the public taxes which supports them there, but it is the produce of additional parish taxes levied, as has been said, from persons, some of whom are only just thriving.

Affluent persons are very differently circumstanced. They not only do not feel the taxes in the same degree, but many individuals amongst them contrive to enrich themselves from the produce of the taxes.

The natural influence of wealth is of a such a nature as to enable any man who has the command of money to obtain a public employment

which will more than compensate for his proportion of the taxes. The labouring man, alas! cannot exempt himself, under any circumstances, from the burden of taxation.

In old times every baron supported a considerable number of dependants; but the modern baron, the peer, so far from supporting any dependants, when by his prodigality he has ruined himself, is subsisted by a pension given him to support his dignity (which no-how concerns the tax-payer) out of the public taxes. The peer is thus quartered on the peasant. As this order of persons possess peculiar privileges, and enjoy peculiar dignities, it is somewhat hard that the labouring part of the nation should be taxed to support their extravagance. And it would be a considerable saving to the nation if the house of lords was obliged to subsist its own paupers.

The most useful order of men in this commercial country (seamen), as to what concerns their individual situation, are subject to a species of taxation which does not affect the rest of mankind. I allude to pressing, which operates towards them through the faculties of fiscal law, and confiscates, by anticipation as it were, that proportion of the pecuniary value of their labour which they might gain if left to their own free exertions.

I say

I say nothing of the civic degradation which a seaman endures by being deprived of his liberty. I consider the act of pressing merely in the light of a fiscal regulation, and in which point of view it is not possible for the executive government to devise a more unequitable measure. It is putting forth the strong arm of power to oblige one particular description of persons to labour for about a third of what they might otherwise gain; and, in common equity, those who are thus forced into the public service are clearly entitled to be paid for the full value of that labour which they are forcibly withheld from applying in the most lucrative manner for themselves.

As to what regards a seaman who is pressed, the effect resulting from the consequent restraint, most undoubtedly operates towards him in the nature of a tax on the produce of what his labour might yield.

That municipal arrangement, the only equitable basis of taxation, which reciprocates advantages, and which, when it gives the power to levy contributions, equally inculcates the right to protection, is grossly violated by the act of pressing. And those men, to whom this nation principally owes her prosperity and her safety, are themselves subjected to a virtual species of arbitrary law.

lawry. Being thus circumstanced, not only personal protection is refused them, but they are also deprived of the imprescriptible right which is inherent in all men to labour for their own advantage.

Happy is it for the community at large, that the law has power to protect our *lives* and *liberties*; and that the *veto* of our executive cabinet can as easily consign a man to the gallows as to the spunging-house. But, alas! that *veto*, through the vicious and ruinous perversion of our constitutional forms, has ample power to consign a large portion of the inhabitants of this affluent country to the poor-house.

Let us then, actuated by the glorious spirit of our ancestors, and in equity to our posterity, join heart and hand to realize the efficacy of those barriers against domestic corruption, with which our constitution is furnished; And let a law of parliament be so constructed, that, in future, the property of the nation shall be as securely guarded against the depredations of ministers, as that of individuals actually is against the depredations of each other. For, in truth, as to what regards the essential qualities of responsibility, our modern administrations have been perfectly inviolable.

Forms

Forms of responsibility there certainly are, and we often hear much talk in parliament of *who is* accountable for the public money; but ~~who~~ that *who is* it is altogether impossible to ascertain.

If the truth of what I have said on the subject of taxation be admitted (and it will not easily be refuted), what can be more absurd than the language which we now hear every day respecting the property of the rich, which we are taught to believe is held for the use of the poor?

The great disproportion which actually obtains, regarding the wealth of individuals, certainly contributes to depress those who work for their bread.

How it can be said, "that the rich hold their property in trust for the poor," none but the sapient gentlemen who have an interest in making the poor still poorer, can explain. Do they mean to tell us also, that the labouring person holds his labour in trust for the rich? This would be a fine doctrine truly; and let us beware it is not verified. The fact at present stands thus: There is nothing like a trust on either part. A perfect reciprocity prevails; for one man is as equally free to work or to let it alone, as another man is to eat his money or to buy bread with it.

The

The united efforts of a majority of the monied men in the nation have been exerted to influence the public opinion respecting the late measures of administration. The war-whoop has been resounded from association to association: They have succeeded;—war is declared against French barbarity, and against the reformation of English abuses.

From the internal resources of France, and from the domestic circulation of her unfunded paper, it is certain she will carry on the war on less disadvantageous terms than the allied powers, whose resources are drawn from external means, and who are obliged to tax their subjects to support their paper currency.

France will carry on the war without entailing debts on her subjects,

Great Britain, that allied power, whose resources are principally drawn from external commerce, and who cannot safely trust to the circulation of unfunded paper for her domestic intercourse, must necessarily entail further burdens on her subjects.

If we consider the warfare of states as a kind of gambling concern, this war is likely to turn out a desperate speculation to the British tax-payer, who

who may fairly say, "He is about to stake good money against bad paper."

The recent bankruptcies which have happened, may be attributed to the excess of paper-money: These disasters, and the actual distress of our manufacturers, not only in the capital, but also in the north of England, are to be considered as the first steps towards that calamitous situation to which the continuance of this war must inevitably lead. Should the war be protracted, the fallacy of our vaunted resources will soon appear; and whatever military successes our Gazettes may treat of, they will, alas! continue to tell us of bankrupt merchants, involving in their ruin all the lower orders of commercial persons; and which circumstances must ultimately occasion a considerable defalcation of our revenues.

But how the war can be conducted so as to humanize the French, and to prevent a reformation here, time will shew. That the former is an event devoutly to be wished for, no man will deny; but as to the latter, I much doubt whether the mean is at all adapted to the end.

The taxes which must necessarily be levied to support the humanizing scheme, will probably add to, rather than diminish, the discontents which
are

are occasioned by the prevalent abuses; and when the weight of those taxes begins to be felt, the public opinion, regarding the expediency of this war, will speedily alter.

It is not long since we were embarked in a popular war with the new American States. Three or four campaigns, and three or four budgets, made that war unpopular. The counties associated to obtain peace; and the nation was verging towards a rebellion.

Any addition to our present burdens will, most probably, produce some intestine commotion, which is now more to be dreaded than at any former period. All orders of men reason shrewdly; and though we are all fully convinced that the general system of government in this country is the best in Europe, yet we know that it is replete with objectionable circumstances.

We are all apprized that the executive government is supported by the misapplication of the public money; and that, whilst ministers tell us they are responsible for their conduct, they buy out that responsibility with the produce of the taxes, and which taxes, from the nature of things, must operate partially towards those who are the least able to bear them.

What

What further public burdens this nation can or will endure, is not so certain; but it is certain that the ministers appear to be convinced of the expediency of resisting all efforts, from whatever quarter, to oblige them to correct the vicious effects of those innovations on the spirit of the constitution, by which they are enabled to coerce their own measures, and to exonerate themselves from all public responsibility.

There are two modes of substantiating the essentiality of our constitution. First, By realizing a full and free representation of the people: And, secondly, By restricting the actual members of parliament from taking bribes. I shall say nothing of the former, which, though it may be liable to some futile objections, is still the radical and only effectual mode. Regarding the latter, I shall beg leave to quote a passage from a very long letter (page 276): "Cornwall elects as many
 " members as Scotland. But is Cornwall better
 " taken care of than Scotland? Few trouble their
 " heads about any of your bases, out of some
 " giddy clubs. Most of those who wish for any
 " change, upon any plausible grounds, desire it on
 " different ideas." This is the mere *verbiage* of a constitutional *formist*. The *plausible grounds* here alluded to, are those of the unconstitutional influence exercised by administration. If the author of that letter (and who has more ingenuity?)

nity?) can point out any means, by which the conduct of members of parliament *can* be restricted within the due limits of their character, I firmly believe such a measure would as effectually prevent future abuses as that of realizing a full and free representation of the people. But we all know that it is impossible, under the present circumstances, to place any effectual barrier between the ambition of ministers and the cupidity of parliaments.

And as a present resource, whereby we may be enabled to endure the fresh burden of taxes about to be levied upon us, we have only to pray that the British senate, magnanimously rising above the low considerations of individual interest, *will be pleased* to refrain from the practice of any unconstitutional measures, and which might ultimately reduce this nation to a state of bankruptcy,

What has occasioned all the clamour we have lately heard? Are *we* prepared to assert, that the practices of our executive government are less arbitrary, or less ruinous, than those of a Turkish Divan? or that our manners, or piety, are more pure than those of the most depraved nations? A Turkish bashaw plunders the province *he* governs; he is in his turn plundered by the sultan; and the bow-string substantiates the reality of responsibility in the Ottoman empire.

A British

A British minister, guarded by the sanction of a very small portion of the subjects of this country, may tax us *ad infinitum*; and that power which enables him to levy taxes, at the same time exonerates him from *all* responsibility. The depravity of our manners pervades the remotest branches of our executive government, and equally actuates the conduct of the electors and the elected. Whatever may be the piety of Englishmen, *that* they certainly do not imbibe from the *officiating* clergy, who are usually hired for the day, or for the year, from amongst the most illiterate and depraved of that body. But I will tell you wherefore all this clamour is occasioned. It is intended to screen the reiterated infractions on the spirit and letter of our constitutional code, which daily yield a plentiful harvest to all those who are base enough to support *any* measure, provided they are *themselves* allowed to share in the public plunder.

In whatever way some passages in this letter may be construed, it is still not my intention to arraign the conduct of any man, or set of men, or to depreciate the form of government in force here; as I am fully convinced that the domestic order of a state materially depends on a due balance between the executive power and the immunities and privileges of the people. The essential principles of the British constitution are wisely adapted

to that end; on this head there are not two opinions in the nation. The leading men in administration all agree, that *a full and free representation* of the people forms a part of the substance of our constitution. To this the leaders of opposition likewise accede. Why then do we not immediately realize *that* mode of representation, *which, whilst it is delayed*, will continue to operate as a perpetual and increasing source of corruption and discontent?

From what has been said respecting the British system of government, it is evident that the legislative and controuling powers of parliament are almost wholly absorbed by the executive power.

In a well-constructed government, the legislative *must* be perfectly independent of the executive power; as no country can literally be termed free, wherein those powers act collusively.

In France, the legislative power preponderates; but no analogy can hold between the actual situation of France, and that of any other country, ancient or modern. The situation of that country may, however, serve to prove the absolute necessity of attending to the due and effectual balance of the legislative and executive powers; and it will fully evince, that any departure from radical principles of propriety on this head, may
prove

prove as fatal, from the undue extension of the one, as of the other power. Wavering and unsteady councils, marked by arbitrary and unequitable measures, are as likely to result from the ascendancy of the legislative; as that a steady and persevering system of oppression, and of inordinate taxation, should proceed from the preponderance of the executive power.

And I must here take the liberty to remark—that any attempts to engraft on the British constitution, that species of government in which the executive power predominates, cannot be sufficiently deprecated: The democratical privileges of the people being rooted in the vitals of our constitution, can no-how be subverted but through the vicious misconstruction of those fundamental laws, which were equally intended to prevent innovations, and to protect the property of individuals.

I shall, for the present, only trouble you with a few general remarks on the alterations about to take place in the Irish representation of the people; as that measure applies relatively both to England and Ireland—the outline of this measure is all which I shall touch upon: It is intended that *half privileges* should be granted to certain of the Roman Catholics; who, by this regulation, are
to

to acquire the freedom of voting for members of parliament, though they are not to become eligible as representatives.

In the true policy of states, there can be no just mean between the perfect manumission and the unequivocal alienation of any individuals. If such individuals are deemed competent to vote, upon the commonest principles of equity they are indisputably qualified to represent.

What change this alteration may produce in the radical principles of the Irish constitution, is not at present determinable. As to its immediate effects, one certain conclusion is obvious—That the number of electors being considerably increased, elections will consequently become more expensive; which will, in the end, oblige ministers to levy further taxes from the Irish people, to *enable* them to retain *that* majority in parliament which alone can give efficiency to the executive government. If this conclusion be true—and who can doubt it?—it fully proves that any half measure, that is, any alteration short of a full and free representation of the people, in the constitution of Ireland, as well as in that of Great Britain, *must* be mischievous rather than beneficial. The fact is, that, from the actual perversion of our constitutional powers, both in England and

and Ireland, all political government is coerced by indirect means.

A man inhabiting either of these countries is protected in the due enjoyment of his personal liberty. I wish I could say as much as to the security for his property; but *that* is daily wrestled from him, under circumstances totally unwarrantable. The pecuniary contributions exacted from him, are applied, not only to the purposes of supporting the executive government, but to those also of enforcing an unlimited system of taxation, through the interested support of those members of the legislature who, constitutionally speaking, are sworn to protect the privileges of the people, and to guard against the venal encroachments of the executive power,

On this head too I shall borrow a passage from the works of the plausible gentleman before mentioned: "They do not commit crimes for their designs; but they form designs, that they may commit crimes." That is, they do not commit crimes to come into parliament, but they form the design of coming into parliament, that they MAY commit the crime of peculation. [This interpretation will do tolerably well (let any one furnish a better); not that the first part is strictly true; for crimes in abundance are committed ere many members are quietly seated in parliament.

The operations of the political executive government are conducted by a series of tricks, and manœuvres, too palpable to require much illustration; and the sort of arrangement which takes place between ministers and *their* majority, is a mockery on the common sense of both nations. Upon some questions the ministerial forces unite to obtain their purposes; on others they divide, and subdivide—some for and some against the ministers; who well know how to flatter the people, at the very time they are labouring to enslave them. If a question is agitated which is of doubtful issue as to the public approbation; the ministers divide conformably to what they think is the popular opinion, and the odium applicable to such a measure is divided and subdivided amongst their dependants.

All that has now been said is, I fear, too trite for even epistolary communication: But, perhaps, people in general have never yet considered, in their full extent, the ruinous consequences which *must* proceed from the present system of political government. One circumstance *may* have escaped public notice, and it shall be my business to point it out: It is, that the increased wealth of individuals, so far from contributing to the general prosperity, is one of the acting causes why the national debt has increased. And it may now be truly said of this country, that although it contains

tains a redundancy of wealthy persons, yet, in a general sense, it is daily growing poorer.

To make this matter perfectly clear, I shall here state by what means the present system of our executive government is enforced: A member of parliament buys his seat; and what makes this system more particularly ruinous, is, that *as* the number of affluent persons increases, the expences incidental to the executive government *must* likewise increase; as wealthy persons, becoming candidates for parliamentary advantages, bid against each other, and *enhance* the value of seats. For example, during the sitting of the last parliament, the price rose from 3 to 5000l.; of course those persons who had laid out their money in parliamentary speculation *must* be indemnified; the minister *must* have a majority, and, to obtain it, he *must* use such means as are applicable to that end. In this point of view our prospects are truly melancholy, for it should seem that the larger portion of mankind are growing poorer in a proportion inverse to the increasing wealth of individuals. And although the commerce of this country flourishes in a degree heretofore unprecedented, yet the nation at large is sinking under the weight of fiscal burdens: Because those defects in our constitutional forms, which, in the infancy and adolescence of our constitution, were scarce felt, “ have grown with its
I “ growth,

“growth, and strengthen’d with its strength.”—Whilst the general property of the nation continued nearly at one par, the form of the representation of the people was not of the immediate consequence which it has now become, from the increase in our national wealth. By this increase the power of corrupting the electors and the elected, according to our present forms, has acquired its full vigour. This practice is now indeed carried to such a ruinous extreme, that unless some remedy is speedily applied, it will be much more politic in us to abandon our elective franchises altogether, than, by retaining them, incur the risk of having further burdens imposed on us, in case it should appear at the next general election, that the competitors for public plunder have become still more affluent. What, alas! may be the ultimate result of our retaining elective franchises under the present forms? Perhaps a monied aristocracy may take root amongst us, generated and nourished by those corrupt practices which naturally tend to an augmentation of taxes, and which are felt only by labouring and industrious persons.

I know I shall be told, that the middling and the lower orders in commercial life subsist from that labour which is occasioned by the luxuries and superfluities of affluent persons; but still, unless it can be proved, that the value of labour and ingenu-

ity has risen in proportion to the increased wealth of individuals, the lower orders must suffer partially, from the vicious effects that wealth has been found to produce on the score of our public burdens.

The taxes which have been levied upon the subjects of this country, in the course of the last twenty-five years, have been influenced by, and apportioned to, the increasing demands of our wealthy and intriguing representatives, rather than by the increasing, or the presumed increasing, rise in the value of labour and ingenuity. Tax on tax has been heaped, so that at this moment scarce any thing is left untaxed.

And if the influx of wealth should still continue to curse this devoted land, it will be difficult for ministers to find financial resources, wherewith the balance may be preserved between the insatiable demands of our executive phalanx, and the abilities of the people to satisfy those demands. Perhaps the dependent situation of the Irish people on our English ministers may hitherto, in some degree, have contributed to that end. Till now it has been easy enough to ship off a cargo of ministerial dependants to Ireland; but whether the Irish will continue to help us out in this way, now that, from the intended augmentation of their own voters, their political executive government is likely to become more expensive, is not certain. In the mean time they may say with us, that they
have

have a good constitution, which essentially guards their lives and their liberties ; and that their property is as formally protected as is that of their neighbours.

Before I take my leave of the Reader, I must once more apologize for the inaccuracies in this Letter : It has been literally pieced together, as the Advertisement sets forth ; but if the arguments herein contained should convince the unprejudiced part of the nation that it is high time for ministers to adopt some mode of enforcing the executive government, more congenial to the true principles of the constitution, and less prejudicial to the bulk of mankind, my purpose will be answered ; and I shall very quietly submit to the sarcastical strictures of those who may think the arrangement of this work worth criticising. Whatever may be its defects (and they are many), still one positive conclusion must flow from my general premises, which I shall throw into a form of words grown somewhat musty on the shelf, namely :

That the national and political expences of Great Britain, and I may safely add of Ireland, have increased, are increasing, and ought to be diminished.

I am, my dear friend, &c.

THE END.